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PART II

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 10257/LA.46/80. *21st February* 1981.

The following Bill given notice of by Shri E. Ahamed, M.L.A. together with the statement of Objects and Reasons and the Financial Memorandum is published, under Rule 72 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

Secretariat of the Kerala Legislature,
Trivandrum-1.

Sixth Kerala Legislative Assembly
Bill No. 54

THE KERALA MUNICIPALITIES (SECOND AMENDMENT) BILL, 1980

(Given notice of by Shri E. Ahamed, M. L. A.)

A
BILL

further to amend the Kerala Municipalities Act, 1980.

Preamble.—WHEREAS it is expedient further to amend the Kerala Municipalities Act 1960, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Municipalities (Second Amendment) Act, 1980.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

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2. *Amendment of section* 86.—In sectin 86 of the Kerala Municipalities Act 1960 (14 of 1961) (hereinafter referred to as the principal Act)—

(a) in sub-section (1), for the words "one thousand rupees" the words "two thousand rupees" shall be substituted;

(b) for sub-section (2) the following sub-section shall be substituted namely:—

"(2) when the amount of estimate exceeds two thousand rupees but does not exceed twenty-five thousand rupees in the case of a minor municipality or fifty thousand rupees in the case of a major municipality, the sanction of the Standing Committee shall be required."

(c) for the sub-section (3) the following sub-section shall be substituted, namely:—

"(3) When the amount of estimate exceeds twenty-five thousand rupees but does not exceed two lakhs of rupees in the case of a minor municipality and when the amount of estimate exceeds fifty thousand rupees but does not exceed five lakhs of rupees in the case of a major municipality, the sanction of the Council shall be required".

(d) for sub-section (4) the following sub-section shall be substituted, namely:—

"(4) Where the amount of estimate exceeds two lakhs of rupees in the case of a minor municipality or five lakhs of rupees in the case of a major municipality sanction of the Government shall be required".

(e) After sub-section (5) the following Note shall be added namely:-

"*Note:* The term "minor municipality" means a Municipality which has been notified by Government as a Grade III Municipality and the term "major Municipality" means a Municipality which has been notified by Government either as a Grade II Municipality or as a Grade I Municipality".

3. *Amendment of Section* 101.—In section 101 of the principal Act in clause (i) of sub-section (5), for the words "sixty rupees", the words "one hundred and fifty rupees" shall be substituted.

4. *Amendment of section* 234.—In section 234 of the principal Act after clause (vi) the following clause shall be added, namely:—

"(vii) that the Municipal Council has taken a decision to acquire the site for a public purpose:

Provided that no refusal of the approval of site for construction and reconstruction of a building or permission to construct or reconstruct a building shall be valid under this ground if the Council does not initiate steps within a period of two years after the decision taken by the Council to acquire the site".

5. *Amendment of Section* 335.—To section 335 of the principal Act the following proviso shall be added, namely:—

"Provided that the Commissioner may remove any person suffering from a dangerous desease, found on the road, public place or varandah of a shop or an establishment, unattended to, to the nearest Government Hospital or dispensary".

STATEMENT OF OBJECTS AND REASONS

The Kerala Municipalities Act 1960 as amended by Act 26 of 1972 gives only limited powers to the Municipal authorities which are vested with various powers for the developmental activities. This has resulted in slow progress and Municipal authorities are finding it difficult to incur expenditure for the developmental purposes, even though they have sufficient funds at their disposal.

According to section 86 (1) of the Act the Municipal Commissioner has power to sanction any estimate of the amount not exceeding one thousand rupees. This bill, proposes to enhance the said powers upto rupees two thousand, sub-section (2) of section 86 provides to the Municipal Standing Committee power to sanction estimate which does not exceed rupees ten thousand. In this Bill it is proposed to give to Standing Committees of minor municipalities the power to sanction estimate upto the limit of rupees twenty-five thousand and in the case of major municipalities upto the limit of rupees fifty thousand. Under sub-section (3) of that section the Municipal Councils are vested with the power to sanction the amonnt of estimate exceeding rupees ten thonsand but does not exceed rupees fifty thousand. In this Bill it is intended to enhance upto rupees two lakhs in the case of minor municipalities and rupees five lakhs in the case of major municipalities. Since the council's powers are limited, many of the development works are held up and the provisions contained in this Bill is intended to remove the difficulties in the matter. Under sub-section (4) of section 86 Government sanction is required where the amount of estimate exceeds rupees fifty thousand and the amending provision is intended that Government sanction is required only where the amount of estimate exceeds rupees two lakhs in the case of minor municipalities and rupees five lakhs in the case of major municipalities.

It is also intended to define the major and minor municipalities in the Bill.

According to section 101 (5) (i) the Municipalities are given the right to exempt from the property tax, the buildings and lands of which annual value does not exceed a sum of rupees sixty. This provision is included in the Act for the benefit of weaker sections of the society. Since the value of the building and land has increased considerably it is intended to enhance the annual value from rupees sixty to rupees one hundred and fifty as the limit of the exemption from the property tax.

According to section 234 the Municipal Commissioner cannot refuse a permission to construct and reconstruct a building at a site even if the site is sought to be acquired for a public purpose by the Municipality. This provision has been misused. In many cases in the past and it is now the usual practice that the owners of a site will apply for permission to construct building as soon as Municipal Council decides to acquire the land and the Municipal Commissioner cannot refuse permission to construct or reconstruct a building in such cases. By this amending provision it is intended to empower the commissioner to withhold the permission to construct or reconstruct a building at a site for a period of two years after the decision of the council to acquire that site for a public purpose.

According to section 335 of the Act the Municipal Commissioner has no power to remove a person suffering from contageous or dangerous disease from the road side to a hospital and many of the Municipalities in the State find it extremely difficult to take proper steps under such circumstances. By amending section 335 it is intended to provide power to the Commissioner to remove a person suffering from dangerous disease to the nearest hospital.

The bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State since the expenditure for the exention of works under clauses 2, 3 and 5 will be met from respective Municipal Funds.

E. AHAMED, M. L. A.